BERET'S ATTORNEY FILES PETITION

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Victim Said Double Agent

SAIGON (AP) — An American attorney charged in a petition filed with the U.S. Army today that a Vietnamese man eight Green Beret soldiers are accused of murdering was a double agent employed by the North Vietnamese army.

The attorney, George Gregory, of Cheraw, S. C., said the alleged victim was discovered to be employed by the CNC intelligence organization of the North Vietnamese Army. Gregory said he also was employed by U.S. military authorities and the Central Intelligence Agency to spy on the North Vietnamese.

Gregory told a news conference in Saigon the charges were brought against the eight Green Berets by an officer he identified only as Col. Ed V. Hendren, of the Adjutant General Staff at U.S. Army Vietnam headquarters in Long Binh, 15 miles northeast of Saigon.

ARMY SPOKESMEN at Long Binh could not be reached immediately for comment.

Hendren, identified by a military spokesman as adjutant general for the U.S. Army in Vietnam, told a reporter by telephone: "I have no permission to make any comment on this. I have not heard any such statement by Mr. Gregory."

U.S. military officials have divulged no details of the case beyond saying that the slaying occurred June 20 near the Special Forces headquarters at Nha Trang.

Gregory's statements supported earlier statements by American military sources that the man—whose body has not been found—was a North Vietnamese agent and his slaying was an assigned "military mission."

GREGORY contended that his client, Maj. Thomas C. Middleton Jr., 30, of Jefferson, S. C., was confined to the stockade at Long Binh July 20, a month after the killing allegedly occurred.

Gregory said that July 24 charges were brought by Hendren against Middleton and the seven others.

Gregory's petition, filed with Maj. Gen. G. L. Mabry, commander of support troops in Vietnam and the convening

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court-martial authority who ordered investigation of the case, called for freeing Middleton. It charged Middleton's rights were being violated by imprisonment before trial.

"I intend to take whatever steps are necessary to get him released from confinement so that he can properly assist in the preparation of his own defense," Gregory said.

Gregory, a former state senator who spent three years in the Army's legal corps, also said yesterday that he would fight to keep the Army's blackout from extending to the trial.

"A MAN IS entitled to a public trial," he said. "They will want to try him in a vacuum, but I am not going to let them do that."

Meanwhile, the U.S. Navy apparently gave up an almost month-long search for the body of the murdered man. The U.S. minesweeper Woodpecker docked at Cua Da, near the coastal city of Nha Trang, yesterday. The vessel's commander, Lt. Victor G. Reiling of Dayton, Ohio, refused to comment on the Woodpecker's mission but said it would not be resumed today.

"We didn't find the body," one of the minesweeper's crew said.

THE WOODPECKER and two other Navy vessels have been searching off Nha Trang since about July 14.

The eight men accused of premeditated murder and conspiracy in the mysterious case are all members of the Army's Special Forces. They include Col. Robert B. Rheault of Vineyard Haven, Mass., who commanded all Green Berets in Vietnam until the charges were brought against him last month.

They are being held at the Army's Long Binh headquarters 15 miles north of Saigon, pending the outcome of an investigation to determine whether they will face a court-martial on the charges.